

REFERENCE TITLE: architects and engineers; liability; immunity

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2219

Introduced by
Representative Nelson, Senator Blendu: Representative Weiers JP

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-716; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-716, to read:

4 12-716. Architects and engineers; emergency services; exemption
5 from civil liability; definitions

6 A. AN ARCHITECT OR ENGINEER IS NOT LIABLE FOR ANY PERSONAL INJURY,
7 WRONGFUL DEATH, PROPERTY DAMAGE OR OTHER LOSS OF ANY NATURE THAT IS RELATED
8 TO THE ARCHITECT'S OR ENGINEER'S ACTS, ERRORS OR OMISSIONS IN THE PERFORMANCE
9 OF ANY ARCHITECTURAL OR ENGINEERING SERVICES FOR ANY PUBLICLY OR PRIVATELY
10 OWNED STRUCTURE, BUILDING, FACILITY, PROJECT UTILITY, EQUIPMENT, MACHINE,
11 PROCESS, PIPING OR OTHER SYSTEM IF BOTH OF THE FOLLOWING APPLY:

12 1. THE ARCHITECT OR ENGINEER VOLUNTARILY PROVIDES ARCHITECTURAL,
13 STRUCTURAL, ELECTRICAL, MECHANICAL OR OTHER DESIGN PROFESSIONAL SERVICES
14 WITHOUT COMPENSATION OR THE EXPECTATION OF COMPENSATION AND THE SERVICES
15 RELATE TO A DECLARED NATIONAL, STATE OR LOCAL EMERGENCY.

16 2. THE SERVICES ARE PROVIDED AT THE REQUEST OF OR WITH THE APPROVAL OF
17 A NATIONAL, STATE OR LOCAL PUBLIC OFFICIAL, LAW ENFORCEMENT OFFICIAL, PUBLIC
18 SAFETY OFFICIAL OR BUILDING INSPECTION OFFICIAL WHOM THE ARCHITECT OR
19 ENGINEER BELIEVES TO BE ACTING IN AN OFFICIAL CAPACITY.

20 B. THIS SECTION APPLIES ONLY TO VOLUNTARY ARCHITECTURAL OR ENGINEERING
21 SERVICES THAT OCCUR DURING THE EMERGENCY OR WITHIN NINETY DAYS FOLLOWING THE
22 END OF THE PERIOD OF THE EMERGENCY, UNLESS THE GOVERNOR EXTENDS THIS PERIOD
23 THROUGH THE EXERCISE OF THE GOVERNOR'S EMERGENCY EXECUTIVE POWERS.

24 C. THIS SECTION DOES NOT PROVIDE IMMUNITY FOR WANTON, WILLFUL OR
25 INTENTIONAL MISCONDUCT.

26 D. FOR THE PURPOSES OF THIS SECTION:

27 1. "ARCHITECT" AND "ENGINEER" HAVE THE SAME MEANING PRESCRIBED IN
28 SECTION 32-101.

29 2. "BUILDING INSPECTION OFFICIAL" MEANS ANY ELECTED OR APPOINTED
30 FEDERAL, STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE
31 BUILDING INSPECTION IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.

32 3. "EMERGENCY" MEANS AN EMERGENCY CAUSED BY AN EARTHQUAKE, HURRICANE,
33 TORNADO, FIRE, EXPLOSION, COLLAPSE OR OTHER SIMILAR DISASTER OR CATASTROPHIC
34 EVENT.

35 4. "LAW ENFORCEMENT OFFICIAL" MEANS ANY ELECTED OR APPOINTED FEDERAL,
36 STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE LAW
37 ENFORCEMENT IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.

38 5. "PUBLIC OFFICIAL" MEANS ANY ELECTED FEDERAL, STATE OR LOCAL
39 OFFICIAL WITH EXECUTIVE RESPONSIBILITY IN THE JURISDICTION IN WHICH THE
40 EMERGENCY OCCURRED.

41 6. "PUBLIC SAFETY OFFICIAL" MEANS ANY ELECTED OR APPOINTED FEDERAL,
42 STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE PUBLIC
43 SAFETY IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.